

Original filed 3/1/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARMEN ROY MALDONADO, JR.,) No. C 06-5560 JF (PR)
Petitioner,)
vs.)
SAN BENITO COUNTY SUPERIOR)
COURT,)
Respondent.)

ORDER DENYING MOTION
TO PROCEED IN FORMA
PAUPERIS; GRANTING
EXTENSION OF TIME TO
FILE IN FORMA PAUPERIS
APPLICATION OR PAY
FILING FEE WITHIN
THIRTY DAYS
(Docket No. 3)

On September 11, 2006, petitioner, proceeding pro se, filed the instant habeas corpus action pursuant to 28 U.S.C. § 2254. On that same day, the Court sent a notification to Petitioner that he had neither paid the filing fee nor submitted a completed application for leave to proceed in forma pauperis. The Court provided a copy of the correct form for application to proceed in forma pauperis, along with a return envelope, instructions, and a notification that the case would be dismissed if Petitioner failed to pay the fee or file the completed application within thirty days.

On September 19, 2006, Petitioner filed an incomplete motion for leave to proceed in forma pauperis because he did not include a copy of a certificate of funds in his

1 prisoner trust account and a prisoner trust account statement showing transactions for the
2 preceding six months. However, in his petition Petitioner states that he is not in custody.
3 Accordingly, the Court will extend the time for Petitioner to submit a completed non-
4 prisoner application to proceed in forma pauperis, enclosed with this order, or pay the
5 \$5.00 filing fee. Petitioner's incomplete motion to proceed in forma pauperis (docket no.
6 3) is DENIED.

7 The completed in forma pauperis application shall be filed with the Court **within**
8 **thirty days** from the date of this order. In the alternative, Petitioner may pay the \$5.00
9 filing fee. Petitioner shall include with his payment a clear indication that it is for this
10 case number, C 06-5560 JF (PR). Failure to submit the completed in forma pauperis
11 application or pay the filing fee within the Court's deadline will result in the Court
12 dismissing the case without prejudice for failure to file a completed in forma pauperis
13 application or pay the filing fee.

14 IT IS SO ORDERED.

15 DATED: 3/1/07



16 JEREMY FOGEL
United States District Judge

1 A copy of this ruling was mailed to the following:

2 Carmen Roy Maldonado, Jr.
3 460 California Street, Apt # 9
4 Salinas, CA 93906

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